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Attorney Docket No. 29914-701.405
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Mark A. Reiley

Serial Number: 10/657,907

Filing Date: September 9, 2003

Title: Facet Arthroplasty Devices and Methods

Group Art Unit: 3738

Examiner: David J. Isabella

CONFIRMATION NO: 5636

Certificate of Mailing or Transmission
37 CFR §1.8

I hereby certify that this paper is being: ☒ deposited with the U.S. Postal Service with sufficient postage as first class mail and addressed to Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450; or ☐ transmitted by facsimile to the Patent and Trademark Office in accordance with §1.6(d) to facsimile number on 8/22/05. Abigail Cruz *Abigail Cruz* Signature

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.97

Sir:

Applicant hereby submits an Information Disclosure Statement along with attached form(s) PTO/SB/08A. A copy of each listed publication is being submitted, if required, pursuant to 37 C.F.R. §§1.97-1.98, as indicated below.

Applicant respectfully requests that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicants further request that the Examiner initial and return the attached form(s) PTO/SB/08 in accordance with MPEP §609.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

☒ 37 CFR §1.97(b). This Information Disclosure Statement should be considered by the Office because:

- ☐ (1) It is being filed within 3 months of the application filing date of a national application and is other than a continued prosecution application under §1.53(d);
-- OR --
- ☐ (2) It is being filed within 3 months of entry of a national stage as set forth in §1.491 in an international application;
-- OR --
- ☒ (3) It is being filed before the mailing date of the first Office Action on the merits;
-- OR --
- ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under §1.114.

☐ 37 CFR §1.97(c). Although this Information Disclosure Statement is being filed after the period specified in 37 CFR §1.97(b), above, it is filed before the mailing date of the earlier of (1) a final office action under §1.113, (2) a notice of allowance under §1.311, or (3) an action that otherwise closes prosecution on the merits, this Information Disclosure Statement should be considered because it is accompanied by one of:

- ☐ a certification as specified in §1.97(e) provided concurrently herewith;
-- OR --
- ☐ a fee of \$180.00 as set forth in §1.17(p) authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☐ 37 CFR §1.97(d). Although this Information Disclosure Statement is being filed after the mailing date of the earlier of (1) a final office action under §1.113 or (2) a notice of allowance under §1.311, it is being filed before payment of the issue fee and should be considered because it is accompanied by:

- A. a certification as specified in §1.97(e); and
- B. a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this Statement.

☐ 37 CFR §1.97(e). A certification signed by an Attorney of Record is provided herewith as required under 37 CFR §§1.97(b) and (c).

☒ 37 CFR §1.98(a)(2). The content of the Information Disclosure Statement is as follows:


- ☐ Copies of each of the references listed on the attached Form PTO/SB/08A are enclosed herewith.
-- OR --
- ☒ Copies of U.S. Patent Documents (issued patents and patent publications) listed on the attached Form PTO/SB/08A are NOT enclosed.
-- AND/OR --
- ☒ Copies of Foreign Patent Documents and/or Non Patent Literature Documents listed on the attached Form PTO/SB/08A are enclosed in accordance with 37 CFR §1.98(a)(2).
-- AND/OR --
- ☐ Copies of pending unpublished U.S. patent applications are enclosed in accordance with 37 CFR §1.98(a)(2)(iii).

- ☐ 37 CFR §1.98(a)(3). The Information Disclosure Statement includes non-English patents and/or references.
- ☐ Pursuant to 37 CFR §1.98(a)(3)(i), a concise explanation of the relevance of each patent, publication or other information provided that is not in English is provided herewith.
- ☐ Pursuant to 37 CFR §1.98(a)(3)(ii), a copy of a translation of the non-English language reference(s) is provided herewith
- ☐ Attached are copies of search report(s) from corresponding patent application(s), submitted in accordance with MPEP 609 D in support of the attached certification under 37 CFR §1.97(e)(1).
- ☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. 29914-701.405).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: 22 August 2005

By: 
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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/657,907
				Filing Date	September 9, 2003
				First Named Inventor	Mark A. Reiley
				Art Unit	3738
				Examiner Name	David J. Isabella
Sheet	1	of	1	Attorney Docket Number 29914-701.405	

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-6,712,818	03-30-2004	Michelson	
		US-6,648,891	11-18-2003	Kim	
		US-6,638,281	10-28-2003	Gorek	
		US-6,632,226	10-14-2003	Chan	
		US-6,361,506	03-26-2002	Saenger et al.	
		US-6,302,890	10-16-2001	Leone, Jr.	
		US-6,193,758	02-27-2001	Huebner	
		US-6,193,724	02-27-2001	Chan	
		US-6,120,510	09-19-2000	Albrektsson et al.	
		US-6,053,917	04-25-2000	Sherman et al.	
		US-5,885,286	03-23-1999	Sherman et al.	
		US-5,700,268	12-23-1997	Bertin	
		US-5,678,317	10-21-1997	Stefanakos	
		US-5,329,933	07-19-1994	Graf	
		US-5,314,429	05-24-1994	Goble	
		US-5,303,480	04-19-1994	Chek	
		US-5,070,623	12-10-1991	Barnes	
		US-4,987,904	01-29-1991	Wilson	
		US-4,710,075	12-1-1987	Davison	
		US-4,271,836	06-09-1981	Bacal et al.	
		US-4,123,848	11-07-1978	Emmerich et al.	
		US-2,959,861	11-15-1960	Stromquist	
		US-2,930,133	03-29-1960	Thompson	
		US-1,308,451	07-01-1919	Schachat	
		US-2003/028250	02-06-2003	Reiley et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		WO 2004/103227	12-02-2004	Archus Orthopedics, Inc.		

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
*Applicant's unique citation designation number (optional). *See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. *Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). *For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. *Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. *Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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